

THOMPSON COBURN

Thompson Coburn LLP
Attorneys at Law

One US Bank Plaza

St. Louis, Missouri 63101-1693

314-552-6000

FAX 314-552-7000

www.thompsoncoburn.com

RECEIVED
CENTRAL FAX CENTER

MAY 19 2004
OFFICIAL

Facsimile
FOR IMMEDIATE DELIVERY

To	Firm Name	Phone	Fax
Examiner Michael Cygan, Group Art Unit 2856	US Patent and Trademark Office		571-272-2175 203-672-4306

From: Kenneth Solomon

Date: 05/17/2004

Message: In re Application of: Jones, et al.
Serial No. 09/509126
Filing Date: 3/22/2000
Title: Measurement and control of asphaltene agglomeration in
hydrocarbon liquid

Att/Client/Matter No.: 3080/56010/04074

Total Number of Pages, including this page: 13

If you do not receive all of the pages, please call 314-552-6297 as soon as possible.

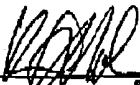
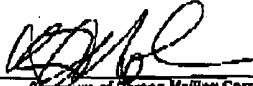
Thank you,

Fax Department - Operator: 021

Time of Transmittal: 2:45 A.M./P.M.

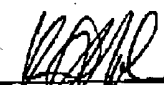

Confidentiality Note

The information contained in this facsimile transmission is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify us by collect telephone call and return the original transmission to us at the above address by U.S. mail. Thank you.

TRANSMITTAL LETTER (General - Patent Pending)			Docket No. 6010-4074 (Our No. 56010-4074)
In Re Application Of: Jones et al			
Serial No. 09/509126	Filing Date 03/22/2000	Examiner Michael Cygan	Group Art Unit 2856
Title: MEASUREMENT AND CONTROL OF ASPHALTENE AGGLOMERATION IN HYDROCARBON LIQUID			
<u>TO THE COMMISSIONER OF PATENTS AND TRADEMARKS</u>			
Transmitted herewith is: Request for Continued Examination (RCE) Transmittal Terminal Disclaimer Fee Transmittal Amendment			
in the above identified application.			
<input type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of \$_____ is attached. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. 20-0823 as described below. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Charge the amount of <u>\$880.00</u> <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required.			
 _____ <i>Signature</i>		Docketed MAY 19 2004 Thompson Coburn LLP	
Kenneth Solomon, Reg. #3142/ Thompson Coburn LLP One US Bank Plaza, Suite 3600 St. Louis, Missouri 63101 314-552-6297 314-552-7297 FAX		<div style="border: 1px solid black; padding: 5px;"><p style="text-align: center; margin: 0;">CERTIFICATE OF FACSIMILE TRANSMISSION</p><p style="font-size: small; margin: 0;">I hereby certify that this correspondence and the documents referred to as enclosed herein are being transmitted via facsimile to fax number 571-212-2175 on May 17, 2004.</p><div style="text-align: center; margin: 10px 0;"> _____ <i>Signature of Person Mailing Correspondence</i></div><div style="text-align: center; margin: 0;">Kenneth Solomon <small>Typed or Printed Name of Person Mailing Correspondence</small></div></div>	
Customer No. 20-0823			

2321508

P108/REV01

TRANSMITTAL LETTER (General - Patent Pending)			Docket No. 6010-4074 (Our No. 56010-4074)
In Re Application Of: Jones et al			
Serial No. 09/509126	Filing Date 03/22/2000	Examiner Michael Cygan	Group Art Unit 2858
Title: MEASUREMENT AND CONTROL OF ASPHALTENE AGGLOMERATION IN HYDROCARBON LIQUID			
<u>TO THE COMMISSIONER OF PATENTS AND TRADEMARKS</u>			
<p>Transmitted herewith is:</p> <ul style="list-style-type: none"> Request for Continued Examination (RCE) Transmittal Terminal Disclaimer Fee Transmittal Amendment <div style="position: absolute; top: 0; right: 0; font-size: 48px; opacity: 0.5; transform: rotate(-15deg);">COPY</div> <p>in the above identified application.</p> <p><input type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ is attached.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. 20-0823 as described below. A duplicate copy of this sheet is enclosed.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Charge the amount of <u>\$580.00</u>. <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required. <div style="margin-top: 20px;">  <div style="border-top: 1px solid black; width: 100%;"></div> </div> <p style="margin-top: 10px;">Kenneth Solomon, Reg. #31427 Thompson Coburn LLP One US Bank Plaza, Suite 3500 St. Louis, Missouri 63101 314-552-6297 314-552-7297 FAX</p> <p style="text-align: right; margin-top: 10px;">Dated: May <u>17</u>, 2004</p>			
<p>Customer No. 20-0823</p>		<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;"><u>CERTIFICATE OF FACSIMILE TRANSMISSION</u></p> <p style="font-size: 0.8em; margin: 0;">I hereby certify that this correspondence and the documents referred to as enclosed therein are being transmitted via facsimile to fax number 571-272-2175 on <u>May 17, 2004</u>.</p> <div style="text-align: center; margin: 10px 0;">  </div> <p style="text-align: center; font-size: 0.8em; margin: 0;">Signature of Person Mailing Correspondence</p> <p style="text-align: center; margin: 5px 0;">Kenneth Solomon</p> <p style="text-align: center; font-size: 0.8em; margin: 0;">Typed or Printed Name of Person Mailing Correspondence</p> </div>	

2321509

P10B/RCV01

Approved for use through 07/31/2000. OMB 0661-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
A collection of information unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$880.00)

Complete if Known

Application Number 09/509126
Filing Date March 22, 2000
First Named Inventor Jones, et al.
Examiner Name Michael Cygan
Art Unit 2856
Attorney Docket No. 6010/4074 (Our No. 56010/4074)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

20-0823

Deposit
Account
Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1001 770	2001 395	Utility filing fee	
1002 040	2002 170	Design filing fee	
1003 620	2003 265	Plant filing fee	
1004 770	2004 395	Reissue filing fee	
1005 150	2005 00	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid
Independent	37	
Multiple Dependent		

Large Entity	Small Entity	Fee Description
Code (\$)	Code (\$)	
1202 18	2202 9	Claims in excess of 20
1204 86	2201 41	Independent claims in excess of 3
1203 200	2203 145	Multiple dependent claim, if not paid
1204 00	2204 43	Withdrawal independent claims over original patent
1205 12	2205 9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*In number previously paid, if greater, Fee Reduced, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1101 130	2001 66	Surcharge - late filing fee or oath	
1002 00	2002 25	Surcharge - late provisional filing fee or other sheet	
1003 130	1003 130	Non-English application	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920	Requesting publication of SAR prior to preliminary action	
1805 1,040	1805 1,040	Requesting publication of SAR after Examiner action	
1251 110	2251 66	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,450	2254 720	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 220	2403 145	Request for oral hearing	
1401 1,510	1401 1,510	Petition to institute a public use proceeding	
1402 110	2402 55	Petition to revive - unavoidable	
1403 1,330	2403 665	Petition to revive - unintentional	
1501 1,300	2501 665	Utility (issue fee (or release)	
1502 450	2502 240	Design (issue fee	
1503 040	2503 230	Plant (issue fee	
1400 130	1400 130	Petitions to the Commissioner	
1407 50	1007 60	Processing fee under 37 CFR 1.17(a)	
1806 100	1806 100	Submission of Information Disclosure Sheet	
1401 40	1401 40	Recording each patent assignment per property (times number of properties)	
1308 770	2308 385	Filing a submission after final rejection (37 CFR § 1.125(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.125(b))	
1004 770	2804 385	Request for Continued Examination (RCE)	770.00
1002 600	1802 300	Request for expedited examination of a design application	

Other fee (specify) Terminal Discontinuation

SUBTOTAL (3) (\$880.00)

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Kenneth Solomon

Signature

K. Solomon

Registration No. (Attorney/Agent)

31427

Complete (if applicable)

Telephone 314-552-6297

Date

May 17, 2004

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No. 56010-4074

PATENT RECEIVED
CENTRAL FAX CENTER


MAY 19 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence and the documents referred to as enclosed therein are being transmitted via facsimile to fax number 571-279-2175 on May 17, 2004.

OFFICIAL


Kenneth Solomon
Reg. No. 31,427

Application of:	Jones et al.	Group No.:	2856
Serial No.:	09/509,126	Atty. Docket No.:	56010/4074
Filed:	March 22, 2000		
For:	Measurement and Control of Asphaltene Agglomeration in Hydrocarbon Liquid	Examiner:	Michael Cygan

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

In response to the Notice of Allowance of March 5, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Applicant received a Notice of Allowance, mailed on March 5, 2004. In the Notice, the Examiner allowed only claim 23, which the Examiner rewrote by an Examiner Amendment. Applicant hereby cancels claims 12-14 and 23 in the present application, and files a terminal disclaimer to overcome the obviousness-type double patenting rejection of claims 1-11, 15-22 and 24-26. Applicant submits herewith a Request for Continued Examination.

2319866

-1-

Docket No. 56010-4074

PATENT

BACKGROUND

In the Office Action, mailed on April 3, 2001, paper no. 6, the Office rejected claims 1 - 19 as being allegedly obvious in view of de Boer (SPE Production & Facilities 1995) and Gopinathan (U.S. patent no. 5,853,994). The Office also rejected claims 1-11, 15-22, and 24-26 under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-20 of U.S. patent no. 5,969,737. Applicant appealed the Office's final rejections of the claims to the Board of Patent Appeals and Interferences. On November 25, 2003, the Board rendered its decision in favor of Applicant with respect to the obviousness rejection of claims 1-19. The Board, however, sustained the double patenting rejection of claims 1-11, 15-22, and 24-26. Subsequently, the Office issued a Notice of Allowance in which the Office allowed only an amended claim 23. Claim 23 was amended by an Examiner's Amendment.

Docket No. 56010-4074

PATENT

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Previously Presented) A method for measuring the agglomerative state of asphaltenes in oil containing asphaltenes, comprising applying to the oil a series of pulses of acoustic energy, each pulse comprising acoustic energy at multiple frequencies, thereby scattering at least part of the energy; detecting, for each of a plurality of pulses in the series, the scattered acoustic energy to produce amplitude versus time data; resolving the amplitude versus time data to obtain a magnitude of the detected scattered acoustic energy at selected frequencies; averaging over the plurality of pulses the magnitude for each pulse at each selected frequency; and determining from the averaging the agglomerative state of the asphaltenes.

2. (Previously Presented) A method as set forth in claim 1 wherein the selected frequencies comprise at least three different frequencies.

3. (Previously Presented) A method as set forth in claim 1 wherein the selected frequencies comprise at least fifteen different frequencies.

4. (Original) A method as set forth in claim 1 wherein the steps are carried out without diluting the hydrocarbon liquid.

5. (Original) A method as set forth in claim 4 wherein the steps of the method are carried out substantially instantaneously.

6. (Original) A method as set forth in claim 5, wherein the detected scattered acoustic energy is back-scattered acoustic energy.

7. (Previously Presented) A method as set forth in claim 6, wherein the scattered acoustic energy is detected over a frequency range of from about 0.1 MHz to about 20 MHz.

2319866

- 3 -

Docket No. 56010-4074

PATENT

8. (Previously Presented) A method as set forth in claim 7, wherein the scattered acoustic energy is detected over a frequency range of from about 0.1 MHz to about 200 MHz.

9. (Previously Presented) A method as set forth in claim 8, wherein the scattered acoustic energy is detected over a frequency range of from about 14 MHz to about 20 MHz.

10. (Original) A method as set forth in claim 1, wherein the detecting is carried out by at least one sensor which sensor is incorporated in a signal input probe.

11. (Original) A method as set forth in claim 1, wherein the detecting is carried out by at least one sensor which sensor is separate from a signal input probe.

12. (Withdrawn) A method as set forth in claim 11, wherein the signal input probe and the sensor are located so that the signal direction of the probe intersects the signal direction of the sensor at an angle of less than about 90°.

13. (Withdrawn) A method as set forth in claim 12, wherein the signal input probe and the sensor are located so that the signal direction of the probe intersects the signal direction of the sensor at an angle of less than about 60°.

14. (Withdrawn) A method as set forth in claim 13, wherein the signal input probe and the sensor are located so that the signal direction of the probe intersects the signal direction of the sensor at an angle of less than about 45°.

15. (Previously Presented) A method as set forth in claim 1, wherein the resolving of the amplitude versus time data comprises gating the detected scattered acoustic energy to that part of the detected energy emanating from a focal region and Fourier transforming the amplitude versus time data into a magnitude vs. frequency format.

16. (Previously Presented) A method as set forth in claim 1, wherein the pulses of acoustic energy are applied as a tone-burst and the step of resolving of the amplitude versus time data comprises detecting the magnitude of the scattered energy at selected frequencies.

PATENT

Docket No. 56010-4074

17. (Previously Presented) A method as set forth in claim 1, wherein the averaging over the series of pulses the magnitude for each pulse at each selected frequency produces an average of the magnitude for each selected frequency, and the determining of the agglomerative state of the asphaltene is effected by comparing the that average for each selected frequency with a standard.

18. (Original) A method as set forth in claim 17, wherein the standard is a sample of known particle size.

19. (Original) A method as set forth in claim 17, wherein the standard is a model of particle size based on scattering theory.

20. (Original) A method as set forth in claim 1, wherein the oil containing asphaltene is in a process flow stream and the signal of acoustic energy is applied to the oil in the process flow stream.

21. (Previously Presented) A method for measuring the agglomerative state of asphaltene in an oil containing asphaltene comprising:

- a. removing a sample of the oil and without diluting the oil;
- b. applying to the sample a series of pulses of acoustic energy, each pulse comprising acoustic energy at multiple frequencies, thereby scattering at least part of the energy;
- c. detecting, for each of a plurality of pulses in the series, the magnitude of the scattered acoustic energy at selected frequencies to produce amplitude versus time data;
- d. resolving the amplitude versus time data to obtain a magnitude of the detected scattered acoustic energy at selected incremental frequencies;
- e. averaging over the plurality of pulses the magnitude for each pulse at each selected frequency;
- f. deriving from the averaging a distribution of the relative size of asphaltene particles scattering acoustic energy; and
- g. determining the agglomerative state of the asphaltene particles.

22. (Original) A method as in claim 20, having the additional step of returning the undiluted oil sample.

Docket No. 56010-4074

PATENT

23. (Withdrawn) A method for measuring the agglomerative state of asphaltenes in oil containing asphaltenes, comprising applying to the oil a series of pulses of acoustic energy, each pulse comprising acoustic energy at multiple frequencies, thereby scattering at least part of the energy; detecting, for each of a plurality of pulses in the series, the scattered acoustic energy to produce amplitude versus time data; resolving the amplitude versus time data to obtain a magnitude of the detected scattered acoustic energy at selected frequencies; averaging over the plurality of pulses the magnitude for each pulse at each selected frequency; and determining from the averaging the agglomerative state of the asphaltenes, wherein the oil containing asphaltenes is in a process flow stream, and wherein the method is carried out in a bench-scale device.

24. (Previously Presented) A method for controlling the agglomeration of asphaltenes in oil which comprises applying a series of pulses of acoustic energy to the oil, each pulse comprising acoustic energy at multiple frequencies, thereby scattering at least a part of the energy; detecting, for each of a plurality of pulses in the series, the scattered energy at selected frequencies to produce amplitude versus time data; resolving the amplitude versus time data to obtain a magnitude of the detected scattered energy at selected incremental frequencies; averaging over the plurality of pulses the magnitude for each pulse at each selected frequency to obtain average magnitude versus frequency data; comparing the average magnitude versus frequency data with a standard; and acting to control the number of particles having a particle size corresponding to the selected incremental frequencies.

25. (Previously Presented) A method as set forth in claim 24, wherein the selected frequencies are limited to a frequency range of acoustic energy scattered by the agglomerated asphaltene particles characteristic of the oil.

26. (Previously Presented) A method as set forth in claim 24, wherein the scattered acoustic energy is detected over a frequency range of from about 14 MHz to about 20 MHz.

Docket No. 56010-4074

PATENT

Remarks/Arguments:

REMARKS

Given that the Board reversed the Office's obviousness rejection of claims 1-19, Applicant submits that the allowance of only claim 23 is improper. No rejection remains as to claims 12-14. Moreover, claims 1 - 11 and 15 - 19 are now subject only to the obviousness-type double patenting rejection and so should be allowable upon Applicant's filing of a terminal disclaimer. Likewise only an obviousness-type double patenting rejection remains as to claims 20 - 22 and 24 - 26. Applicant submits herewith a terminal disclaimer to overcome the double patenting rejection of claims 1-11, 15-22, and 24-26. Applicant hereby cancels claims 12-14 and 23, which are not subject to the double-patenting rejection, in the present application. Applicant would like to pursue these claims in a separate application.

CONCLUSION

The obviousness-type double patenting rejection was the only remaining rejection in the prosecution of the present application. Upon filing of the terminal disclaimer, Applicant believes that all of the rejections and objections in the present application have been obviated, overcome, or rendered moot. Favorable consideration and early allowance of the present application are earnestly solicited.

Respectfully submitted,



Kenneth Solomon, Reg. No. 31,427
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101
Telephone: 314-552-6297
Fax: 314-552-7297

PTO/SB/28 (08-07)
Approved for use through 07/31/2008. OMB 0861-0001
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBLIVATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT	Docket Number (Optional) 56010-4074
---	--

In re Application of: **Gregory M. Jones, et al.**

Application No.: **09/509,126**

Filed: **March 22, 2000**

For: **Measurement and control of asphaltene agglomeration in hydrocarbon liquids**

The owner, Baker Hughes, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,899,737. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

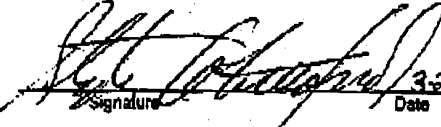
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, if found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ I, or submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


 Date 3-24-09

STEPHEN A. LITTLEFIELD
Typed or printed name

281-276-5773
Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22315-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450.

If you need assistance in completing the form, call 1-800-PTO-9100 and select option 2.

Z094732

PTO/SB/20 (11-03)

Approved for use through 07/31/2008. OMB 0561-0011
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Continued Examination (RCE) TRANSMITTAL Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/509,126
	Filing Date	March 22, 2000
	First Named Inventor	Jones, et al.
	Art Unit	2856
	Examiner Name	Michael Cygon
	Attorney Docket Number	6010/4074 (Our No. 56010/4074)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.


1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed.
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Terminal Disclaimer _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(b) required.)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(c) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-0823.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kenneth Solomon	Registration No. (Attorney/Agent)	31427
Signature		Date	May 17, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or transmittal transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Kenneth Solomon	Date	May 17, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-R1111 and select option 2.